

**Washington State Human Rights Commission
Minutes
October 28-29, 2004
Olympia, Washington**

ATTENDANCE

Commissioners: Ellis Casson, Chair Pro Tem; Dallas Barnes; J. Reiko Callner; and Ben Cabildo.

Staff: Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; Sharon Ortiz and Regina Hook, Operations Managers; Cheryl Strobert, Program Manager; Laurie Rasmussen, Equal Opportunity Compliance Investigator.

Guests: Doug Mah, Olympia City Council; Dixie Shaw, Fair Housing Center of South Puget Sound; Chris Wickham, Thurston County Superior Court; E. Ellington, Safeplace; Mette Earlywine, WA State Coalition Against Domestic Violence; Nick Federici, WA Low Income Housing Alliance; Pat Tasoni, Tenants Union; John Turheim and Angella Coker, Thurston County Prosecutor's Office; Melody Younglove, Safeplace; Anna Schlect, City of Olympia; Angella Coker; Connie Rainey; and Bruce Nees, Columbia Legal Services. Others attended the meeting but they did not sign in.

OPENING AND WELCOME

(Audio tape one – side one)

Commissioner Casson called the meeting to order at 7:15 p.m. and welcomed everyone. The Commissioners and staff introduced themselves to the audience.

Commissioner Callner spoke extensively about the effects of domestic violence and how it perpetuates itself. She gave a statistic about the amount of high number pet shelters as compared to the low number of shelters for battered individuals.

Operations Manager Sharon Ortiz spoke about the jurisdiction of the Washington State Human Rights Commission. She focused on fair housing. She explained the relationship between the Commission and its fair housing partners in Washington.

Ellington from Safeplace spoke. She gave a few examples of individuals facing domestic violence. She told a story about a woman that went from shelter to shelter. The woman was denied housing because the landlords did not want any perpetrators “sniffing” around their property. She gave an example of another domestic violence victim. Housing is a huge barrier for domestic violence victims. Many victims have to find housing on limited funds. Safeplace is forced to turn away 65 people per month.

Bruce Nees works for Columbia Legal Services. He spoke about unemployment laws. The law changed that allows domestic violence victims to receive unemployment compensation. He spoke about the new law that amended the landlord tenant act that allows victims to terminate a lease. An impartial third party has to sign off before the lease can terminate early.

He spoke about domestic violence protective orders (DVPO) that go on individual consumer reports. DVPO's show up on public records that are obtained by tenant screening companies.

These third party tenant screening companies use information on domestic violence victims who seek DVPO's. The law allows screening companies to provide this information to landlords. The protection orders are “red flags” to landlords. If individuals seek DVPO's, they will show up on a criminal background check.

Nick Federici is the lobbyist for Washington Low Income Housing Alliance. He spoke about the challenge of finding affordable housing for domestic violence victims. There is stigma associated with it. There have been complaints about creating “special rights” for domestic violence victims. Section 8 housing is insufficient. There are huge waiting lists to obtain this type of housing. There is money in the Housing Trust Fund (\$1 million) for domestic violence victims. That includes shelters and affordable transitional housing. There is \$5 million fund set aside for families.

(Audio tape one – side two)

Connie Rainey testified to the legislature on domestic violence issue. She told her story regarding her rental situation. She was denied housing within two hours of applying. The tenant screening report revealed two restraining orders that she sought, so she was denied housing.

Commissioner Callner spoke about the Tiffany Alvera case in Oregon that was settled. Ms. Alvera was subjected to eviction because she was a victim of domestic violence. The terms of the settlement required the defendant to stop applying the zero tolerance policy for violence to victims of domestic violence.

Sharon Ortiz spoke about disparate impact and adverse impact that applies to housing complaints with domestic violence components. She gave an example of a case that was

recently settled. The case will come before the Commission for approval at their next meeting. The complainant in this case was a victim of domestic violence and lost her Section 8 voucher when she abruptly moved. As a result of a settlement agreement, the complainant now has a portable Section 8 voucher to use in another area.

Anna Schlect commented about educating housing providers. She suggested that speakers present at the forum help educate by making themselves available to landlord associations.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:05 p.m.

Respectfully submitted,

Tanya Y. Calahan
Executive Assistant to the Commissioners

FRIDAY, OCTOBER 29, 2004

ATTENDANCE

Commissioners: Ellis Casson, Chair Pro Tem; Dallas Barnes; J. Reiko Callner; and Ben Cabildo. A quorum was present.

Staff: Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; Cheryl Strobert, Program Manager; Sharon Ortiz, Operations Manager; and Marilyn Akita, Equal Opportunity Compliance Specialist.

OPENING AND WELCOME

(Audio tape one – side one)

Commissioner Casson called the meeting to order at 9:10 a.m.

APPROVAL OF MINUTES

The approval of the September 2004 minutes will be done at the next regular meeting on October 29, 2004.

Tanya Calahan reviewed the action items from the September 23-24, 2004 meeting.

APPROVAL OF CASE CLOSURES

Commissioner Callner commented about the Nice v. Fred Meyer no reasonable cause finding. It involved heavy lifting restrictions during complainant's pregnancy. Commissioner Callner then asked that staff provide specific training to her on pregnancy and disability discrimination.

Commissioner Callner asked about the Looney v. The Pizza Factory no reasonable cause finding. As the finding is brief, she requested further explanation regarding the investigation. Sharon Ortiz obtained information from investigator Kim Griffin-Pierce regarding this case. Ms. Pierce asked for a list of witnesses. After one year, complainant failed to provide it. She then tried to obtain information from Employment Security with no success.

In the no reasonable cause finding for Lemon v. L.I.F.E. Inc., it should read "assisted" living instead of "assistive" living.

Commissioner Cabildo asked about the Heine v. Liquidation Outlet/Dollar Store no reasonable cause finding. He asked staff to clarify whether complainant received a warning. Cheryl Strobert will verify that information.

Commissioner Callner then made a motion to approve the case closures with the noted corrections and clarifications. Commissioner Cabildo seconded the motion. MOTION CARRIED.

Ms. Strobert later clarified that complainant in the case of Heine v. Liquidation Outlet/Dollar Store received a warning in December 2002. The clarification was sufficient.

EXECUTIVE DIRECTOR'S REPORT

Marc Brenman reviewed his monthly Executive Director's Report.

The Commissioners discussed that status of Charlotte Coker, who recently resigned her chairperson and commissioner position.

Commissioner Callner then asked about the intake process, and the practice of returning phone calls after three days. Discussion ensued about centralized intake. Complaint intake is now done out of the Olympia headquarters office. Cheryl Strobert explained the current intake process and that staff is looking at ways to improve it.

(Audio tape one – side two)

Commissioner Barnes commented about the low case production for the month of October. Cheryl Strobert explained the historic drop in case production after the contract performance period, which ends on September 30th each year.

Commissioner Casson asked about the status of the civil rights conference planning. Mr. Brenman explained that registration is lower than expected but things are moving along.

UNFINISHED BUSINESS

The Commissioners discussed the draft letter to the Governor regarding rotating the chairperson position. Commissioner Callner suggested revising some of the language in the letter.

By consensus, the Commissioners agreed on writing a letter to Governor Locke with the noted changes. Tanya Calahan will forward the letter to the Governor's office.

Commissioner Barnes will write down information expressing his concerns about the workload standards documents.

The Commissioners discussed the language in the Policy on Dissemination of Information on Claims and Lawsuits. Commissioner Callner will provide her suggested revisions to the policy.

Discussion took place regarding the Executive Director's designee to provide information to the Commissioners on claims and lawsuits if the Executive Director is unavailable.

(Audio tape two – side one)

The Commissioners discussed the reconsideration policy and process. Commissioner Callner commented about having the investigators present during the reconsideration discussion. The investigators could be available by speaker phone. Ms. Strobert commented about the potential awkwardness of having the investigator present while the complainant is present.

Marilyn Akita commented about the reconsideration review process. She stated that not having the file in front of her makes it difficult answer questions about a case. This could be challenging for investigators too if they do not have the case file in front of them.

Commissioner Callner commented about having a protocol of having investigators "on call" instead of calling them automatically if their cases come before the Commissioners for reconsideration.

Commissioner Barnes expressed concern about cases that are assigned to multiple investigators. He then asked if there is a correlation between the age of cases and requests for reconsideration and if there is a correlation between the age of cases and requests to withdraw to obtain a right to sue.

There was discussion about conflicts of interests and Commissioners. Commissioner Casson commented that he doesn't see the need for a policy in this area. There is Attorney General advice and rules that serve as a guide.

Commissioner Cabildo spoke about setting protocols for communication between staff and the Commissioners. The Commissioners need to address the issue and develop a protocol. Commissioner Callner spoke about having an email policy. She commented about email etiquette. There should be protocols for copying individuals on emails.

Commissioner Callner offered to work with Commissioner Cabildo on a communication protocol.

EXECUTIVE SESSION

At 2:00 p.m. Commissioner Casson announced that the Commissioners will enter executive session to discuss potential litigation and personnel issues. The executive session will end at 2:30 p.m.

The Executive Session concluded at 2:20 p.m. The Commissioners recommended that Marc Brenman proceed with litigation as discussed. Commissioner Casson made a motion to that affect. Commissioner Callner seconded the motion. MOTION CARRIED.

No personnel issues were discussed in executive session. In open meeting, the Commissioners discussed making recommendations to the Governor as to who should serve as a chairperson. Commissioners Callner and Barnes expressed interest in serving as chairperson. Commissioners Casson and Cabildo are not interested in serving as chairperson.

(Audio tape two – side two)

Commissioner Cabildo recommended moving Commissioners Callner and Barnes' names forward to the Governor to consider for the chairperson position.

Commissioner Callner suggested contacting the Governor and letting him know that one Commissioner is interested, one is thinking about it, and two are not interested at all.

Commissioner Barnes asked for more time to think about the chairperson position and whether or not he's interested in serving as chair.

RECONSIDERATIONS

Equal Opportunity Compliance Specialist Marilyn Akita provided summaries of the following cases. Neither the complainants nor respondents in the cases participated.

Boettner v. King County Metro Van Pool. There was discussion about whether complainant had to be a van driver. Commissioner Barnes made a motion to deny complainant's petition for reconsideration. Commissioner Callner seconded the motion. MOTION CARRIED.

Eason V. Washington Mutual Bank. Commissioner Callner made a motion to deny complainant's petition for reconsideration. Commissioner Cabildo seconded the motion. MOTION CARRIED.

Hirschel v. Emil Fries School of Piano Tuning & Technology. Commissioner Barnes made a motion to deny complainant's petition for reconsideration. Commissioner Cabildo seconded the motion. MOTION CARRIED.

Lacombe v. Olympia School District. Complainant was accommodated by staff. His father was present during interviews. Commissioner Cabildo made motion to deny complainant's petition for reconsideration. Commissioner Callner seconded the motion. MOTION CARRIED.

Luu v. ANC Rental-National Rent A Car. Commissioner Callner asked for clarification regarding the shift change bid process. She then made a motion to deny complainant's petition for reconsideration. Commissioner Barnes seconded the motion. MOTION CARRIED.

Richardson v. Holtzinger Fruit Company. Commissioner Callner made a motion to deny complainant's petition for reconsideration. Commissioner Barnes seconded the motion. MOTION CARRIED.

Stark v. Lionbridge. There was discussion about Family Medical Leave Act rules. Commissioner Callner then made a motion deny complainant's petition for reconsideration. Commissioner Barnes seconded the motion. MOTION CARRIED.

ACTION ITEM REVIEW

(Audio tape three – side one)

Tanya Calahan reviewed the action items from the day's meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 3:38 p.m.

Respectfully submitted,

Tanya Y. Calahan
Executive Assistant to the Commissioners

ACTION ITEMS
OCTOBER 28-29, 2004 COMMISSION MEETING

1. **Item:** Send final letter to the Governor Locke from the Commissioners regarding rotating the chairperson position.

Status: Tanya Calahan forwarded the letter to the Commissioners on November 1, 2004.